

The Honorable James L. Robart

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

KELLY THOMAS JACKSON,

Defendant.

CASE NO. CR20-148 JLR

**JOINT MOTION TO CONTINUE
TRIAL**

NOTE ON MOTION CALENDAR:
October 5, 2020

The United States of America, by and through Brian T. Moran, United States Attorney for the Western District of Washington, and Todd Greenberg, Assistant United States Attorney for said District, and defendant Kelly Thomas Jackson, through counsel, Robert Goldsmith, hereby jointly move this Court for an order continuing the trial date in this matter. Trial is currently scheduled for November 16, 2020.

For the reasons set forth herein, specifically, the courthouse closure required by General Order 15-20, the ongoing logistical and public health challenges of conducting jury trials at the current time, and the need for the defendant to have additional time to prepare for trial and the filing of pretrial motions, the parties ask the Court to strike the current trial date and reschedule the trial for a date in February 2021, with a corresponding pre-trial motions date.

On the afternoon of March 6, 2020, Chief Judge Martinez issued General Order 01-20 to address the impact regarding the spread of Coronavirus Disease 2019 (COVID-19) within the Western District of Washington. That Order states that interim guidance from the Centers for Disease Control and Prevention (CDC) and the recommendations from the Departments of Public Health for Seattle and King county all suggest that individuals at higher risk – including individuals with underlying health conditions, individuals age 60 and older, and individuals who are pregnant – avoid large groups of people. As a result, and consistent with those recommendations, that Order directed the continuance of court proceedings, including trials.

Since the issuance of General Order 01-20, and due to the ongoing nature of the COVID-19 local, national, and international public health emergency, the Chief Judge has issued several orders that have extended the courthouse closures and continued court proceedings, including jury trials. Each of these orders acknowledges current public health concerns and guidance from public health officials that large gatherings should be avoided to stop the spread of the disease. The most recent of these orders, General Order 15-20, extends the courthouse closure and continues jury trials through January 1, 2021.

In addition, due to the nature of this case, the defendant and his counsel require additional time to review the discovery materials and to contemplate the filing of pre-trial motions. The discovery materials in this case are voluminous, and include numerous electronic files containing audio/video recordings, photographs, and other evidence; numerous law enforcement reports and other documentary evidence; physical evidence seized during the execution of search warrants and other law enforcement searches and seizures; and ongoing forensic analysis. Moreover, at the present time, the defendant is largely unavailable to assist counsel in pretrial preparations because he has begun attendance at an in-patient mental health treatment facility in Tucson, Arizona.

Based on these considerations, and pursuant to 18 U.S.C. § 3161(h)(7)(A), the parties request the Court to find that ends of justice served by continuing the trial in this case outweighs the best interest of the public and the defendant in a speedy trial. Further, we ask the court to strike the current trial date and reschedule the trial for a date in February 2021,

1 with a corresponding pre-trial motions date. We further request that the time between the
2 date of the entry of any order pursuant to this motion and the new trial date be excluded from
3 time period during which the case must proceed to trial under the Speedy Trial Act.

4 Mr. Jackson has conferred via telephone with undersigned defense counsel, and has
5 indicated that he is aware of and in agreement with continuing his trial as requested by this
6 joint motion.

7 Dated this 3rd day of October, 2020.

8
9 Respectfully submitted,

10 BRIAN T. MORAN
11 United States Attorney

12 /s/ Todd Greenberg
13 TODD GREENBERG
14 Assistant United States Attorney
15 United States Attorney's Office
16 700 Stewart Street, Suite 5220
17 Seattle, Washington 98101-1271
18 Phone: 206-553-7970
19 Fax: 206-553-2636
20 E-mail: Todd.Greenberg4@usdoj.gov

21 /s/ Robert Goldsmith
22 Robert Goldsmith, WSBA #12265
23 Bobgoldsmith52@gmail.com
24 Counsel for Kelly Thomas Jackson
25
26
27
28